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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,924	12/29/2003	Jeffrey Mark LaFortune	19457	7068
23556 7590 01/16/2007 KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER MATZEK, MATTHEW D	
			ART UNIT 1771	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE		
3 MONTHS	01/16/2007	ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Kimberly-Clark.Docket@kcc.com
catherine.wolf@kcc.com

Office Action Summary

Application No.

10/747,924

Applicant(s)

LAFORTUNE, JEFFREY MARK

Examiner

Matthew D. Matzek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-34 is/are pending in the application.
- 4a) Of the above claim(s) 20-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- * Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. The amendment dated 10/20/2006 has been fully considered and entered into the Record. Claim 3 has been canceled. Claims 20-34 have been withdrawn from consideration. Claims 1, 2 and 4-19 are currently active. The 112 2nd paragraph rejection of claim 2 has been withdrawn due to amendment. The previously applied provisional double patenting rejection has been withdrawn as the applied application teaches the use of corona discharge. The previously applied art rejections have been withdrawn as the prior art of Record failed to teach using a coating or chemical treatment to provide surface charges to at least one component of an absorbent composite.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 4-12 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland et al. (US 4,604,313) in view of Sheu et al. (US 5,700,559).

a. McFarland et al. teach an absorbent article comprising polymeric and wood fibers (Abstract). The article comprises a first layer comprising polymeric and wood fibers, but no SAPs and at least one additional layer of the same make up as the first, except it does include SAPs. The first layer acts to aid in trapping of any super-absorbent which is not immediately entangled in the meltblown and wood fibers and prevents its passing through the forming belt. The first layer also is the preferred body side in use as it will not be slimy and will feel drier than the super-absorbent containing side (col. 2, lines 26-48).

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The Example details the use of fluff cellulosic fibers. The applied invention is silent as to the treatment of the components of the absorbent article to modify their charge.

b. Sheu et al. teach the process of making an absorbent article more hydrophilic by using an ionic polymeric layer with a polyelectrolyte coating upon the polymeric layer (Abstract). The hydrophilicity that is gained by treating articles with corona discharge and plasma exposure degenerates after treatment (col. 1, lines 6-13). The process of Sheu et al. does not suffer from such limitations (col. 3, lines 18-26) and may be used in diapers to make the article hydrophilic, wettable and wickable (col. 5, lines 62-65).

c. Since McFarland et al. and Sheu et al. are from the same field of endeavor, (i.e. absorbent articles) the purpose disclosed by Sheu et al. would have been recognized in the pertinent art of McFarland et al.

d. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have coated the first layer of the McFarland et al. invention with the ionic coating of Sheu et al. The skilled artisan would have been motivated by the desire to create an absorbent article with retained wettability and wickability as described by Sheu et al.

e. Claim 5 is rejected as the treatment may be restricted to the external surface of the article, which contains no SAPs. Claims 7-10 are rejected as their properties are necessarily present following the treatments taught by Sheu et al.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland et al. (US 4,604,313) in view of Sheu et al. (US 5,700,559) as applied to claim 1

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above, and further in view of Kellenberger (US 5,147,343). McFarland et al. and Sheu et al. are silent as to the specific size of the superabsorbent particles and their size distribution.

- a. Kellenberger teaches an absorbent composite comprising a porous matrix of fibers and superabsorbent (SAP) material (Abstract). Several examples are taught by Kellenberger including Example VIII with 57% of the SAP particles between 300 and 600 micrometers.
- b. Since McFarland et al. and Kellenberger are from the same field of endeavor, (i.e. absorbent composites comprising a porous matrix of fibers and superabsorbent (SAP) material) the purpose disclosed by Kellenberger would have been recognized in the pertinent art of McFarland et al.
- c. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the article of McFarland et al. with over 50% of the SAP particles with a size between 300-600 microns with the motivation of creating an article with sufficient permeability and surface area for absorption.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2 and 4-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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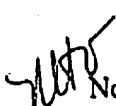
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mdm


Norca L. Torres-Velazquez
Primary Examiner
Art Unit 1771

1/5/07